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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,009	02/01/2000	Raymond W. Ellis	21183-P001US	5583

7590 02/17/2006	EXAMINER
Scott D. Sanford, Esq. O'MELVENY & MYERS LLP 275 Battery Street San Francisco, CA 94111-3305	VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/496,009	ELLIS ET AL.
	Examiner	Art Unit	
	William C. Vaughn, Jr.	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 November 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-6,8-16,18-26,39-42,45 and 46* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 4-6, 8-16, 18-26, 39-42, 45 and 46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Action is in regards to the Amendment and Response received on 25 November

2005.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   **Claims 1, 2, 4-6, 8-16, 18-28 and 30-46** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rangachari et al. (Rangachari), U.S. Patent No. 6,470,227 in view of

Tadokoro et al. (Tadokoro), U.S. Patent No. 6,463,352.

4.   Regarding independent **claims 1, 15 and 27**, (e.g., exemplary independent claim 1),

Rangachari discloses the invention substantially as claimed. Rangachari discloses *a tool*

management method executed by an intermediate apparatus coupled with a client system and a

tool via a network, comprising the steps of: receiving a first request from a client system via a

network [see Rangachari, Col. 8, lines 43-46, Col. 9, lines 22-42, Col. 10, lines 45-51]

determining a type of said first request [see Rangachari, Col. 10, lines 52-64]; *and sending a first*

message to a tool in response to said first request and said first type, wherein said first message

is operable for controlling an action of said tool [see Rangachari, Col. 6, lines 26-51, Col. 7,

lines 20-24 and Col. 8, lines 17-20]. However, Rangachari does not explicitly disclose using a

first predetermined field in a portion of said first request.

5.   In the same field of endeavor, Tadokoro discloses (e.g., a system for controlling software components for machines in a distributed manner). Tadokoro discloses using a first predetermined field in a portion of said first request (Tadokoro teaches utilizing IP address, port at an IP address), [see Tadokoro, Co. 10, lines 1-25].

6.   Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Tadokoro's teachings of a system for controlling software components for machines in a distributed manner with the teachings of Rangachari, for the purpose of improving workflow efficiency of a system by better monitoring processes, thereby preventing bottlenecks [see Tadokoro, Col. 2, lines 10-25]. By this rationale **claims 1, 15, and 27** are rejected.

7.   Regarding **claims 2, 16 and 28**, Rangachari-Tadokoro discloses further comprising the step of determining an identification of a tool object corresponding to said tool using a second predetermined field in said portion of said request [see rejection of claim 1, supra]. By this rationale **claims 2, 16 and 28** are rejected.

8.   Regarding **claims 4, 18 and 30**, Rangachari-Tadokoro discloses wherein said tools return at least one second message associated with said first action, said method further comprising the step of caching said at least one second message [see Rangachari, Col. 13, lines 50-64 and Tadokoro, Col. 13, lines 12-28]. By this rationale **claims 4, 18 and 30** are rejected.

9.   Regarding **claim 5, 19 and 31**, Rangachari-Tadokoro discloses further comprising the steps of: retrieving selected ones of said at least one second message; and generating a response to a second request using said selected ones of said at least one second message (Rangachari teaches that methods are invoked between application objects and servers to perform specific

tasks outlined within a message), [see Rangachari, Col. 10, lines 52-64, Figure 1]. By this

rationale **claims 5, 19 and 31** are rejected.

10.   Regarding **claims 6, 20 and 32**, Rangachari-Tadokoro discloses further comprising the

step of sending said response to a client system initiating said first and second requests

(Rangachari teaches that the client is notified of the completion of a task along with any

attributes that are need), [see Rangachari, Col. 10, lines 64-67, Col. 11, lines 1-3]. By this

rationale **claims 6, 20 and 32** are rejected.

11.   Regarding **claims 8, 21 and 33**, Rangachari-Tadokoro discloses further comprises the

steps of receiving a connection request and opening a connection to a client, said connection

being operable for communicating requests and responses to said requests (Tadokoro teaches

HTTP requests), [see Tadokoro, Col. 12, lines 43-45]. By this rationale claims **8, 21 and 33** are

rejected.

12.   Regarding **claims 9, 22 and 34**, Rangachari-Tadokoro discloses further comprising the

steps of: receiving a second request from said client system via said network [see rejection of

claim 1, supra], said second request selected from the group consisting of information requests,

expand requests and edit requests [see Tadokoro, Figures 10-14], wherein, in response to said

information requests, an HTML page is generated using a set of selected data for a tool object

corresponding to a managed tool for sending to said client system, as well as in response to said

edit requests, an HTML page is generated having a portion operable for user entry of one or

more values for modifying a tool object attribute for sending to said client system and in

response to said expand request an HTML page is generated using a set of child object names

and relations to a parent object identified in said expand request for sending to said client [see

Tadokoro, Col. 8, lines 10-37, Col. 9, lines 1-9, Col. 12, lines 21-44]. By this rationale **claims 9, 22 and 34** are rejected.

13.   Regarding **claims 10, 23 and 35**, Rangachari-Tadokoro discloses *wherein said first type of said first request denotes an execute request* [see Rangachari, Col. 10, lines 52-64]. By this rationale **claims 10, 23 and 35** are rejected.

14.   Regarding **claims 11-13, 24-26 and 36-38**, the limitations of these claims are substantially the same as that of claims 1, 15, 27, and 35 above, and thus are rejected for the same rationale in rejecting those claims. Furthermore, with regards to the limitations of parsing a script: determining if said script source includes a method signature matching a method signature of said tool object method; and if so, executing a corresponding portion of said script [see Tadokoro, col. 12, lines 21-44]. By this rationale claims 11-13, 24-26 and 36-38 are rejected.   .

15.   Regarding **claims 14, 45, and 46**, Rangachari-Tadokoro discloses wherein said first request is transferred in accordance with the hypertext transfer protocol (HTTP), and said portion corresponds to a uniform resource locator (URL) [see Tadokoro, Col. 10, lines 1-47]. By this rationale **claims 14, 45, and 46** are rejected.

16.   Regarding **claims 39-44** the limitations of this claim are substantially the same as that of claims 9, 22, and 34 and thus is rejected for the same rationale in rejecting claim 9 above. By this rationale **claims 39-44** are rejected.

Response to Arguments

17.   Applicant's arguments filed on 25 November 2005 have been carefully considered but

they are not deemed fully persuasive. However, because there exists the likelihood of future

presentation of this argument, the Examiner thinks that it is prudent to address applicants' main

points of contention. Applicant's arguments include:

> A. Applicant argues that Rangachari does not disclose a user interface with respect to
>
> direct tool management, and does not disclose remote management of a tool through
>
> requests received via a network.
>
> B. Applicant contends that Rangachari does not teach or suggest a tool server.
>
> C. Applicant further argues that Tadokoro does not teach or suggest a tool server, such as
>
> in the preferred embodiment of the present invention, in which a user running a Web
>
> browser can communicate over a network to operate a tool.

18.   As to "Point A", in which applicant argues that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies (i.e.,

user interface and remote management of a tool through request received via a network) are not

recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is the position of the Examiner that the claims

do not state what applicant is arguing. The Examiner will at least attempt to show that the

references in combination do in fact teach does teach a user interface with respect to direct tool

management as well as remote management of a tool through a request [see Rangachari, Col. 6,

lines 25-28, Col. 8, lines 16-47, Col. 9, lines 20-42 and Tadokoro, abstract].

19.   As to "Point B", in which applicant argues that the references fail to show certain features

of applicant's invention, it is noted that the features upon which applicant relies (i.e., a tool

server) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van*

Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

20.   As to "Point C", in which applicant argues that the references fail to show certain features

of applicant's invention, it is noted that the features upon which applicant relies (i.e., a tool

server, such as in the preferred embodiment of the present invention, in which a user running a

Web browser can communication over a network to operate a tool) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Rangachari-Tadokoro do in fact teach a client

browser accessing a web server/cutting machine via monitoring intranet, network, or channel

[see Tadokoro, Col. 9, lines 10-35].

Conclusion

21.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

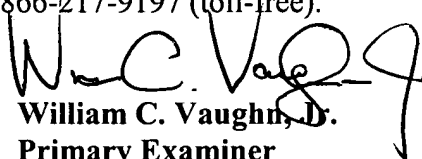MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to William C. Vaughn, Jr. whose telephone number is (571) 272-

3922. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William C. Vaughn, Jr.
Primary Examiner
Art Unit 2143
15 February 2006

WCV